

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

PAT SULLIVAN, KAREN RHYNE, STEVE
ELLEFSON, MARK EISEN, BRUCE ELDER
and JON NAEF, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

FLUIDMASTER, INC.,

Defendant.

Case No. 1:14-cv-05696

**NOTICE OF SUPPLEMENTAL AUTHORITY AND STATUS REPORT IN SUPPORT
OF PLAINTIFFS' MOTION TO APPOINT INTERIM CLASS COUNSEL**

Plaintiffs Pat Sullivan, Karen Rhyne, Steve Ellefson, Mark Eisen, Bruce Elder, and Jon Naef ("Plaintiffs") respectfully submit this Notice of Supplemental Authority and Status Report in further support of their Motion to Appoint Interim Class Counsel. In its Minute Entry filed September 11, 2014, the Court requested that the parties advise the Court of all pertinent developments including before the JPML and/or in the California litigation. (Dkt. No. 21).

First, on November 12, 2014, the United States District Court for the Central District of California in *Rensel, et al. v. Fluidmaster, Inc.*, No. SA CV 14-00648 (C.D. Cal.) entered an order striking the class allegations in the plaintiffs' complaint and denying the plaintiffs' motion for class certification as moot. A copy of the Order is attached hereto as Exhibit A for the Court's convenience.¹

Second, Plaintiffs inform the Court that on November 21, 2014, the Parties in the above-captioned matter attended a full-day mediation session with the Hon. Dickran M. Tevrizian

¹ Plaintiffs in the *Rensel* action have requested permission to appeal the order to the United States Court of Appeals for the Ninth Circuit under Federal Rule of Civil Procedure 23(f).

(Ret.) acting as mediator. While the details of the mediation remain confidential, Plaintiffs and Fluidmaster agreed that notwithstanding the discovery stay in place in this case, the Parties shall continue to participate in informal, mediation-related discovery to progress this matter. This includes the recent production by Fluidmaster, Inc. of over 40,000 pages of documents with additional discovery to be conducted in the near future.

Given the fact that there are no class allegations remaining in the *Rensel* case (absent a reversal upon an interlocutory appeal), and that the Parties are proceeding to aggressively and diligently advance this matter, Plaintiffs respectfully request that the Court grant their Motion to Appoint Interim Class Counsel.

Dated: December 1, 2014

Respectfully submitted,

By: /s/ Edward A. Wallace
Edward A. Wallace
Amy E. Keller
WEXLER WALLACE LLP
55 West Monroe Street, Suite 3300
Chicago, Illinois 60603
312-346-2222 Telephone
312-346-0022 Facsimile
Email: eaw@wexlerwallace.com
aek@wexlerwallace.com

Gregory F. Coleman
Lisa A. White
GREG COLEMAN LAW PC
Bank of America Center
550 Main Avenue, Suite 600
Knoxville, TN 37902
T: (865) 247-0080
F: (865) 522-0049
E: greg@gregcolemanlaw.com
lisa@gregcolemanlaw.com

Shanon J. Carson
Lawrence Deutsch
Glen L. Abramson
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
Email: scarson@bm.net

ldeutsch@bm.net
gabramson@bm.net

*Attorneys for Plaintiffs and the Putative
Class*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, on December 1, 2014.

/s/ Edward A. Wallace

Edward A. Wallace